

CHAPTER 2
RULES AND REGULATIONS FOR PERMITS, LICENSES,
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**RULES AND REGULATIONS
FOR
PERMITS, LICENSES, CERTIFICATES,
ENFORCEMENT AND OTHER REQUIREMENTS**

SEC.2-1 PERMITS, LICENSES AND CERTIFICATES

REG.2-1-1 Permits, Licenses and Certificates Required for Certain Operations

A. It shall be unlawful for any person to conduct an operation for which a permit license or certificate is required within Coconino County, or its police jurisdiction, who does not possess a valid permit, license or certificate to do so, issued to him/her by the Chief Health Officer. Only a person who complies with the requirements of this regulation and other pertinent regulations shall be entitled to receive and retain such a permit, license or certificate.

1. Permits or licenses or certificates shall not be transferable from one person to another person or place.
2. Change of ownership of a permitted or licensed establishment requires a new owner(s) to apply for a new permit or license.
3. Licenses must be renewed annually, and permits and certificates must be renewed as specified in the applicable codes.
4. A valid permit or license or certificate shall at all times be kept on the premises or vehicle designated and displayed in a conspicuous manner therein or thereon. Where practical, permits or licenses or certificates shall be framed and protected against soilage.
5. All permitted and licensed establishments shall be open at reasonable times to inspection by the District.

B. Permits/Licenses/Certificates are required for the following:

Air Pollution Sources (per A.C.R.R. Title 9 Chapter 3)
Bake Sale with potentially hazardous food (as defined in Chapter 8)
Boarding School
Body Art Establishment
Bottled Water and Beverage Plant
Campground and Picnic Area
Damaged Food Sale
Day Care Center
Food Manager and Food Handler
Food Service Establishment - including but not limited to:
Bakeries
Bars
Cafeterias
Catering Operations
Cocktail Lounges
Coffee Shops
Commissaries

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Concessionaires (trail rides, jeep tours)
Delicatessens
Edible Products (as defined in Chapter 8)
Frozen Dessert Stands
Grills
Industrial Cafeterias
Luncheonettes
Night Clubs
Private, Public or Non-Profit Organizations serving food
Restaurants
Roadside and Refreshment Stands
Sandwich Shops
Short-Order Cafes
Soda Fountains
Taverns
Tea Rooms
Food Vending Machine Operator
Food Warehouse
Frozen Dessert Plant
Confectioneries
Farmers Market
Fish Market
Food Peddler
Grocery Store
Meat Market
Produce Stand or Market
Garbage Hauler
Hotel, Motel, Rooming House
Ice Manufacturing Plant
Kennels and Pet Shops
Meat Market, Packing Plant, Locker Plant and Slaughterhouse
Open Burning
Public and Semi-Public Bathing Places
Sanitary Landfill
School Grounds
Sewage-disposal System - Residential, Commercial, Repair
Sewage System Pumper and Hauler
Trailer or Mobile Home Park
Water Hauler

REG.2-1-2 Issuance of Permits, Licenses and Certificates

A. Any person desiring to conduct an operation which requires a permit, license or certificate shall make written application to the District. No construction shall commence until the required plans have been approved and an Approval to

Construct has been issued. Construction shall be in conformance with the approved plans and specifications.

B. Applications for plan review to issue a license or permit, to be considered administratively complete, shall include a (n):

1. Completed application on forms provided by the District;
2. Payment of the required fee for plan review, permit, license or certificate as approved by the Coconino County Public Health Services District Board of Directors. The current approved fee schedule for the Health District is available at District offices as well as available at our website;
3. Documentation of Planning and Zoning approval for the proposed establishment;
4. Approved public water system;
5. Approved wastewater facilities;
6. Building Division permit or approval to construct; and
7. Detailed plans and specifications as listed in the Plan Review Worksheet provided by the District.

C. No application for a permit or license shall be issued until a complete sanitary inspection has been conducted and all critical deficiencies have been corrected. The applicant shall demonstrate to the District compliance with pertinent State, County, and Municipal health laws, regulations, and ordinances.

D. Inspections shall be made as frequently as deemed necessary for compliance with these regulations.

REG. 2-1-3 Responsibilities of the Permit, License or Certificate Holder

A. Upon acceptance and retention of the issued permit, license or certificate, the permit, license or certificate holder shall:

1. Post the permit, license or certificate in the facility in a location that is conspicuous to consumers;
2. Comply with the provisions of this Code including the conditions of a granted variance and approved plans;
3. Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist;
4. Replace existing facilities and equipment with those that comply with this Code if:
 - a. Facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which facilities and equipment were accepted;
 - b. Required because of a change of ownership; or
 - c. The facilities and equipment are replaced in the normal course of operation;
5. Comply with the regulatory time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued

by the regulatory authority in regard to the permitted or licensed facility or in response to community emergencies.

6. Accept notices issued and served by the regulatory authority according to law; and be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Code or a directive given by the regulatory authority, including time frames for corrective actions.

REG. 2-1-4 Responsibilities of the Regulatory Authority

- A. The regulatory authority shall provide the location of an electronic copy of this Code to the license, permit or certificate holder when a license, permit or certificate is first issued so the license holder is notified of District requirements.
- B. Failure to provide the information in this section does not prevent the regulatory authority from taking authorized action or seeking remedies if the license, permit or certificate holder fails to comply with this Code or an order, warning, or directive from the regulatory authority.
- C. The Health Authority shall conduct inspections of the permitted or licensed establishment during the establishment's normal hours of operation or at other reasonable times. Inspectors shall show proper identification and provide the permit or license holder or person in charge with a verbal or written purpose of the inspection.
- D. Inspections shall be conducted as often as necessary, as specified in the applicable chapters of this Code to assure that the requirements of the permit or license are being met.
- E. Access to a permitted or licensed establishment for inspection is a condition of the acceptance and retention of the establishment's permit or license. Inspections are generally conducted unannounced to obtain a more accurate assessment of normal operating practices and conditions. Exceptions can be made during construction and preoperational inspections where an appointment is needed to ensure that all parties are available for discussion or where work is intermittent and access to a new establishment is limited; or during follow-up inspections which may require the presence of specific personnel or management from the establishment.
- F. Inspections shall comply with the inspection rights provisions of A.R.S. 11-1603.

REG. 2-1-5 Right of Entry

No Permit or License holder shall refuse to admit the Chief Health Officer or his/her designee, during the facility's hours of operation and at other reasonable times, upon his/her request to any part of the establishment for the purpose of inspection. If a person denies access to the regulatory authority, the regulatory authority shall:

- A. Inform the person that:
 1. The license or permit holder is required to allow access to the regulatory authority as specified in this Code;
 2. Access is a condition of the acceptance and retention of a facility license to operate as specified in this Code;
 3. If access is denied, an order issued by the appropriate authority

allowing access, hereinafter referred to as an inspection order,
may be obtained according to law; and

- B. Make a final request for access.

REG. 2-1-6 Permits, Licenses and Certificates

- A. A permit, license or certificate may not be transferred from one person to another. The permit or license may not be transferred from one type of operation to another or if the facility moves to a different building or location.
- B. The approval of plans and specifications shall lapse and become invalid one year from the date of approval if a substantial portion of the work described in the plans and specifications has not commenced by such anniversary date.
- C. Except as may be otherwise specified in individual regulations in this Code, permits and licenses are valid for a specified period of time from the date of issuance, unless sooner suspended or revoked by the District.
- D. Appropriate training certificates shall be obtained by individuals, if certification is required by a Chapter of this Code that the facility is licensed or permitted under.

SEC. 2-2 FEES

REG.2-2-1 Fees

Pursuant to A.R.S.36-187, the District will charge reasonable fees for issuing or renewing licenses or permits or for other services authorized by law and by the rules and regulations of the State Board of Health. All such fees shall be listed in a Schedule of Fees prepared by the District and approved by the Coconino County Public Health Services District Board of Directors. The Schedule of Fees current on the effective date of this Environmental Services Code and all subsequent revisions of that Schedule of Fees shall be listed on the County website or available at District offices.

SEC. 2-3 ENFORCEMENT

REG.2-3-1 Ceasing Operation, License, Permit, Certificate, Suspension or Revocation

- A. A person violating any provision of this Regulation is guilty of a Class 3 misdemeanor.
- B. Ceasing Operations and Reporting - A permit or license holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent communicable disease outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health. A permit or license holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
- C. Suspension or Revocation of a Permit, License, or Certification

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1. The Chief Health Officer or his or her designee may suspend or revoke a license, permit, or certificate if the holder:
 - a. Violates this Code or ARS 36-601, or
 - b. Provides false information on a license application.
2. If the regulatory authority finds that conditions in a permitted /licensed facility present such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order, summary suspension of the facility's license, permit or certificate may be ordered pending proceedings for revocation or other action. Upon suspension pursuant to this Section, the holder of the, permit, license or certificate may immediately move to vacate the suspension order and the Chief Health Officer or his/her designee shall hear such motion within five (5) days. In no event, may a summary suspension order remain in effect for more than twenty-five (25) days.
3. The regulatory authority may, after providing opportunity for hearing, revoke a permit, license, or certificate for serious or repeated violations of any of the requirements of this Code or for interference with the regulatory authority in performance of duty.
4. Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge of the specific reasons for which the license, permit, or certificate shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for a hearing is filed with the Chief Health Officer or his/her designee by the holder of the license, permit or certificate becomes final. If a request for a hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.

D. Cease and Desist and Abatement of a Public Nuisance

In addition to any other remedies provided for in this code, the regulatory authority may suspend the operation of the establishment. If the regulatory authority has reasonable cause to believe that a permitted or licensed facility is creating or maintaining a nuisance as specified in Arizona Revised Statute 36-601, the regulatory authority shall order the license holder for the licensed facility to cease and desist such activity and to abate the nuisance as follows:

1. The regulatory authority shall serve upon the permit or license holder for the licensed facility a written cease and desist and abatement order requiring the license holder to cease and desist such activity and to remove the nuisance within 24 hours of receipt of the order at the license holder's expense. The order shall contain the following
 - a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
 - b. A description of the permit or license holder's right to request a hearing, and
 - c. A description of the permit or license holder's right to request an informal settlement conference and the Chief Health Officer or his/her designee shall hear such motion within five (5) days.

2. The regulatory authority shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested to the permit or license holder's or other party's last address of record with the regulatory authority or by any other method reasonably calculated to effect actual notice on the license holder or other party.
 3. The permit or license holder or another party whose rights were determined by the order may obtain a hearing to appeal with the regulatory authority within 30 days after receiving the order. The license holder or other party appealing the order shall serve the notice of appeal upon the regulatory authority by personal delivery, certified mail, or return receipt requested to the office of the regulatory authority or by any other method reasonably calculated to effect actual notice on the regulatory authority.
 4. If no written notice of appeal is timely filed, the order shall become final without further proceedings.
 5. The regulatory authority may inspect the permitted or licensed facility 24 hours after service of the order to determine whether the license or permit holder has complied with said order. If the regulatory authority determines upon inspection that the license or permit holder has not ceased the activity and abated the nuisance, the regulatory authority may cause the nuisance to be removed regardless of whether the license holder is appealing the order.
 6. If the permit or license holder fails or refuses to comply with the order after a hearing has upheld the order or after the time to appeal the order has expired, the regulatory authority may file an action against the license or permit holder in the superior court of the county in which the violation occurred, requesting that a permanent injunction be issued to restrain the license or permit holder from engaging in further violations as described in the order.
- E. Services of Notices – A notice provided for in this Section of the Code is properly served when it is delivered to the holder of the license, permit, or certificate or person in charge, or when it is sent by registered mail or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the regulatory authority.
- F. Hearings - Hearings will be held pursuant to the provisions of Chapter 3 of this Code.
- G. Appeal to the Board of Directors
- 1 Any party may appeal to the Board of Directors the final finding and/or sanction of the Hearing Officer. A written notice of appeal shall be filed with the Hearing Officer within ten (10) days after the findings.
 2. The notice of appeal shall identify the finding and/or sanction appealed. It shall be signed by the appellant or appellant's counsel, and shall contain the names, addresses, and telephone numbers of all parties and their attorneys. When a party appeals, the Chief Health Officer or Hearing Officer shall send a copy of the notice of appeal to the other party or attorney.

3. Appeals shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Chief Health Officer's or Hearing Officer's file, all evidence admitted at the hearing, and the official record as per this Code.
 4. Upon receiving the notice of appeal the regulatory authority shall within thirty (30) days prepare and transmit the record and schedule the appeal before the Board of Directors.
 5. The parties may stipulate that the appeal may be heard on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing and filed with the Hearing Officer within fifteen (15) days after the notice of appeal.
 6. Upon sending the record to the Board of Directors, the regulatory authority shall notify the parties that they have five (5) days from the date of the letter to submit a memorandum stating the parties' position to be submitted at the Board of Directors' hearing.
 7. The memoranda shall be submitted to the Clerk of the Board and shall not exceed five (5) pages in length.
 8. A notice of appeal before the Board of Directors shall be posted at least twenty-four (24) hours prior to the hearing. The regulatory authority shall mail a notice of the hearing to both parties not less than five (5) days prior to the meeting.
 9. The Chairman of the Board of Directors shall preside at the appeal and shall decide on all questions pertaining to the procedure. Final decisions on the merits of the case shall be made upon motion and majority vote of the quorum.
 10. At the Board of Directors' hearing, arguments on appeal shall be limited to five (5) minutes for each party unless extended by the Chairman of the Board of Directors.
 11. After consideration of the merits of an appeal, the Board of Directors may increase, decrease, or modify any sanction imposed by the Hearing Officer and may:
 - a. Affirm the action of the Hearing Officer;
 - b. Reverse the action of the Hearing Officer and, if necessary, remand for further proceedings.
 - c. A decision to reverse the action of the Hearing Officer in whole or in part must be based upon a finding of an abuse of discretion by the Hearing Officer.
- H. Appeal of a Decision of the Board of Directors - An appeal of the decision of the Board of Supervisor may be made by filing a complaint in the Coconino County Superior Court within thirty (30) days of the Board's decision.
- I. Application after Revocation – Whenever a revocation of a license, permit, or certificate has become final, the holder of the revoked license, permit or certificate may make written application of a new license, permit, or certificate following a 90 day waiting period. The holder of the revoked license is responsible for all plan review and preopening requirements and shall pay the fee for the cost of providing a Hearing Officer for the revocation hearing.

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SEC. 2-4 REGULATORY BILL OF RIGHTS

REG. 2-4-1 Regulatory Bill of Rights

The regulatory authority shall follow the requirements of ARS 11-1601 through 1609.

Amended 2012 by Ordinance 2012-12, effective January 18, 2013